

New law (R.S. 17:15(C)) authorizes the State Board of Elementary and Secondary Education (by rule adopted in accordance with the Administrative Procedure Act) to establish requirements and procedures consistent with the Louisiana Child Protection Act (R.S. 15:587.1) for the state Department of Education to determine whether an applicant for or the recipient of any certificate or license issued by the department or by the board, in accordance with state law or board policy or both, and who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children has been convicted of or pled nolo contendere to crimes listed in R.S. 15:587.1(C). States that the rule shall include the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information.

Existing law (R.S. 15:587.1(C)) lists the following crimes: first degree murder, second degree murder, manslaughter, aggravated rape, forcible rape, simple rape, sexual battery, aggravated sexual battery, oral sexual battery, aggravated oral sexual battery, intentional exposure to AIDS virus, aggravated kidnaping, second degree kidnaping, simple kidnaping, criminal neglect of family, incest, criminal abandonment, carnal knowledge of a juvenile, indecent behavior with juveniles, pornography involving juveniles, molestation of a juvenile, prostitution, soliciting for prostitutes, inciting prostitution, promoting prostitution, prostitution by massage, prohibited sexual massage, pandering, letting premises for prostitution, letting premises for obscenity, enticing persons into prostitution, crime against nature, aggravated crime against nature, contributing to the delinquency of juveniles, cruelty to juveniles, child desertion, cruelty to the infirmed, obscenity, operation of prohibited places of prostitution, sale of minor children, or distribution or possession with intent to distribute Schedule I, II, III, IV, or V narcotic drugs; or convictions for attempt or conspiracy to commit any of these offenses.

Existing law also provides that the following crimes are to be reported when conducting a criminal history check pursuant to R.S. 15:587.1:

- (1) Those of a jurisdiction other than Louisiana which, in the judgment of the employee of the Louisiana Bureau of Criminal Identification and Information charged with responsibility for responding to the request, would constitute a crime under the provisions of R.S. 15:587.1(C).
- (2) Those under the Federal Criminal Code having analogous elements of criminal and moral turpitude.

Existing law (R.S. 15:587.1) states, in part, that as provided in R.S. 17:15, any employer or others responsible for the actions of one or more persons who have been given or have applied to be considered for a position of supervisory or disciplinary authority over children shall request in writing that the Louisiana Bureau of Criminal Identification and Information supply information to ascertain whether that person or persons have been convicted of, or pled nolo contendere to, any one or more of the crimes listed in R.S. 17:587.1(C). Provides that the request must be on a form prepared by the bureau and signed by a responsible officer or official of the organization making the request. Provides also that it must include a statement signed by the person about whom the request is made which gives his permission for such information to be released.

New law retains existing law.

Existing law (R.S. 15:587.1(B)) provides that upon receiving a request meeting the requirements of R.S. 15:587.1(A), the bureau shall provide a report

promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

New law retains existing law except makes it applicable to requests other than those made by educational entities pursuant to R.S. 17:15. Provides, relative to requests from educational entities, that upon receiving a request pursuant to the provisions of R.S. 17:15 that meets the requirements of R.S. 15:587.1(A), the bureau shall survey its criminal history records and identification files and make a simultaneous request of the Federal Bureau of Investigation for like information from other jurisdictions. States that the Louisiana Bureau of Criminal Identification and Information shall provide a report promptly and in writing, but provide only such information as is necessary to specify whether or not that person has been convicted of or pled nolo contendere to any such crime or crimes, the crime or crimes of which he has been convicted or to which he has pled nolo contendere, and the date or dates on which they occurred.

Existing law (R.S. 17:587.1(D)) states that the costs of providing the required information shall be charged by the bureau to the private employer or to the department, office, or other agency of government which has given, or is considering giving, a person supervisory or disciplinary authority over children. Specifies that neither the individual applicant nor a judge exercising juvenile jurisdiction shall bear such costs.

New law retains existing law and also provides for charging the costs of providing the required information to the entity which made the request for information pursuant to the provisions of R.S. 17:15.

Retains existing law provision that neither the individual applicant nor a judge exercising juvenile jurisdiction shall bear such costs but specifies that the prohibition against an individual applicant bearing any of the costs of providing information shall not apply to requests made pursuant to the provisions of R.S. 17:15.

Existing law (R.S. 15:587.1(D)) provides, in part, that the head of or other responsible person for any public entity who fails to comply with the provisions of R.S. 15:587.1(A) or who employs any person in violation of the provisions of R.S. 17:15 shall be fined not more than \$500.

New law retains existing law.

Existing law (R.S. 17:15(A)(1)) provides that no person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall be hired by a public or private elementary or secondary school system as a teacher, substitute teacher, bus driver, substitute bus driver, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children unless approved in writing by a district judge of the parish and the district attorney. Specifies that this statement of approval shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer.

New law retains existing law. Relative to the statement of approval, provides additionally that not later than 30 days after being placed on file by the school, the school principal shall submit a copy of the statement of approval to the state superintendent of education.

Existing law (R.S. 17:15(A)(2)) provides that a city or parish school board

shall dismiss:

- (1) Any permanent teacher who has supervisory or disciplinary authority over school children upon the final conviction of such teacher of any crime listed in R.S. 15:587.1(C), except R.S. 14:74 (criminal neglect of family) or any permanent teacher, who has pled nolo contendere to any crime listed in R.S. 15:587.1(C), except R.S. 14:74, after a tenure hearing held pursuant to law.
- (2) Any other school employee having supervisory or disciplinary authority over school children if such employee is convicted of or pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

New law retains existing law. Additionally requires that the superintendent of schools of any school system dismissing an employee pursuant to the provisions of existing law to notify the state superintendent of education of the employee's dismissal not later than 30 days after such dismissal.

Existing law (R.S. 17:15(A)(2)) also provides that a city or parish school board may reemploy a teacher or other school employee who has been convicted of a crime listed in R.S. 15:587.1(C), except R.S. 14:74, only upon written approval of the district judge of the parish and the district attorney, or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated.

New law retains existing law. Additionally provides that any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer. Also specifies that not later than 30 days after being placed on file by the school, the school principal shall submit a copy of any such statement of approval or written documentation from the court to the state superintendent of education.

New law (R.S. 17:15(D)) additionally provides that for purposes of R.S. 17:15 city or parish school board shall mean the governing authority of any public elementary or secondary school.

Effective July 1, 1999.

(Amends R.S. 15:587.1(B) and (D) and R.S. 17:15)